

Purpose

To establish the Department's policy and procedure concerning overtime and to establish the responsibility for obtaining proper authorization for use of overtime.

Policy

1. Overtime work shall be kept to a minimum consistent with the operating needs of the Department. Overtime will be approved in accordance with Department procedures.
2. Overtime compensation is established for each class title by the Department of Human Resource Management and is identified as N (Fair Labor Standards Act, non-exempt) or E (Fair Labor Standards Act, exempt).

FAIR LABOR STANDARDS ACT NON-EXEMPT (FLSA-N)

3. FLSA-N employees will be compensated for overtime worked at the rate of one and one half times their regular rate of pay for hours actually worked in excess of 40 hours in a work week. FLSA-N employees will be compensated for overtime worked with pay except where employees have signed an agreement indicating the acceptance of compensatory time. This allows the Department discretion to give compensatory time or pay for overtime worked. If employees indicate that they will accept compensatory time they do so with the understanding that management reserves the right to pay down any compensatory time balances at any time.
4. An employee's election to accept pay only or compensatory time for overtime worked will be in effect until the first pay period in January of the next calendar year. The employee's election can only be changed at this time.
5. FLSA-N employees who elect to receive compensatory time may accumulate up to a maximum of 80 hours. Once the maximum is reached, additional overtime shall be paid on the pay day for the period in which it was earned.
6. Any leave and holiday time taken within a work week shall not count towards hours worked. If extra work occurs during a week where an employee has paid leave time, those work hours will be credited to an "in excess" account until the individual accumulates 40 working hours in a work week. After which any additional work hours will be paid as overtime or recorded in compensatory time account.

Hours accumulated in the "in excess" account are hours that are worked beyond 40 compensated hours, but are not considered overtime (overtime hours are those work hours in a work week that exceed 40 actual work hours). The "in excess" hours may be paid down at any time at management's discretion, or may accumulate up to 80 hours after which accumulations of over 80 hours will automatically be paid down. "In excess" hours may be taken as time off from work.

7. Holiday Incentive Pay - FLSA non-exempt employees directed to work on a designated state holiday will be paid a holiday work incentive for the hours worked at one half of his/her regular hourly salary rate. This holiday incentive pay will be charged to the Department's incentive awards program and will not exceed 1% of the personal services appropriation.

FAIR LABOR STANDARDS ACT EXEMPT (FLSA-E)

8. Any compensatory time earned by FLSA-E employees is not an entitlement, is not a benefit, and is not a vested right.
9. FLSA-E employees shall be eligible for straight-time overtime compensation when they actually work in excess of 80 hours in a work period (two week pay period). They will be compensated for overtime worked by granting them time off at a rate of one hour off for each hour of overtime worked.
10. Any additional overtime shall be paid on the pay day for the period in which it was earned for FLSA-E employees who have accumulated the maximum of 80 hours compensatory time.
11. If extra work occurs during a pay period where an employee has paid leave or a paid holiday, those work hours will be credited to an "in excess" account until the individual accumulates 80 hours worked in the pay period, after which any additional hours worked will be recorded in a compensatory time account.

"In excess" hours are hours worked in excess of 80 compensated hours in the pay period but are not considered overtime (overtime hours are those work hours in a pay period that exceed 80 actual work hours). The "in excess" hours may be paid down at any time at management's discretion, or may accumulate up to 80 hours after which accumulations of over 80 hours will automatically be paid down. "In excess" hours may be taken as time off from work.
12. Any compensatory time earned by FLSA-E employees but not taken, shall lapse at the end of the Department's annual overtime year. The Department will consider the last day in the fifth payroll period as the last day of the overtime year for all Department employees.
13. Compensatory time which has been earned, but not taken, shall lapse for any FLSA-E employee who leaves the agency through a transfer to another agency, termination, retirement or who will otherwise not return to work before the end of the overtime year.

EXCESS HOURS

14. Employees may use excess hours the same way as annual leave.
15. UDOT management shall approve excess hours before the work is performed.
16. UDOT management may deny the use of any leave time, other than holiday leave, that results in an employee accruing excess hours.

Background

This policy and procedure has been developed in compliance with the Department of Human Resource Management's requirements for state agencies.

Definitions

- FLSA-E Employees who are exempt from the Fair Labor Standards Act.
- FLSA-N Employees who are not exempt from the Fair Labor Standards Act.

Procedures

Overtime

UDOT 05C-71.1

OVERTIME TYPE: EMERGENCY

Responsibility: Region/Group Leader or Designee

Actions

1. Under vested authority, authorizes emergency overtime work in accordance with Department policy with pay for eligible personnel when necessary to effect the safety of the highway user under conditions of roadway damage, highway construction, snow removal or other emergency situations.
2. Reviews explanation of emergency overtime on payroll forms submitted by leader.

OVERTIME TYPE: NON-EMERGENCY WORK

Responsibility: Requesting Authority

3. Assesses overtime need. Adjust work schedules to avoid overtime if possible.
4. Prepares overtime request providing justification for the overtime and indicating the names, titles, rates of pay and anticipated hours required for individuals who are to work the overtime.
5. Sends request to the Region or Group Leader or designee for approval.

Responsibility: Region/Group Leader or Designee

6. Reviews request for adequate justification. Approves or disapproves request under vested authority of the Director of Transportation. Assures effective planning, scheduling and monitoring procedures are in place to minimize abuse. Consider alternatives to overtime use.
7. Returns request to originator and indicates whether the overtime has been approved or disapproved.
8. Assures that overtime use is kept at a minimum consistent with the operating needs of the Department.
9. Holds leaders accountable for proper monitoring and use of overtime. Assures that overtime regulations and procedures are being followed.

Responsibility: Requesting Authority

10. Monitor overtime worked to assure it is within the limits approved. Keep overtime work to a minimum.
11. Prepares payroll forms and sends to region or group administrative section (payroll) with a copy of the overtime approved.

Responsibility: Region/Group Administration

12. Compares overtime worked with payroll documents to assure compliance with the region, group leader or designees approval. Hours for individuals may differ from the original approval as long as total hours approved are not exceeded. An explanation is to be made for the difference.
13. Prepares overtime exception report for the Region/Group Leader where overtime worked exceeded authorized overtime.
14. Maintains records on overtime usage and approval for audit by the Department, State or other regulatory agencies.